

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Plaintiff,

v.

JEFF S. SMITH,

Defendant.

17 Civ. 5808(CS)(PED)

**NOTICE OF MOTION TO QUASH  
THE SUBPOENA SERVED ON  
VIRGINIA M. ROMETTY AND  
FOR A PROTECTIVE ORDER  
PRECLUDING HER TESTIMONY**

**PLEASE TAKE NOTICE** that Plaintiff International Business Machines Corporation, upon the accompanying Memorandum of Law, Declaration of Pietro Signoracci, dated August 18, 2017, and the exhibits annexed thereto, and Declaration of Virginia M. Rometty, will move this Court, by and through its undersigned attorneys, at the Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse, 300 Quarropas Street, White Plains, New York, at such date as the Court will determine, for an Order, pursuant to Rule 45(d) of the Federal Rule of Civil Procedure, quashing the subpoena served by Defendant Jeff Smith on Virginia M. Rometty, IBM's Chairman, President, and Chief Executive Officer, and for a Protective Order, pursuant to Rule 26(c)(1) of the Federal Rules of Civil Procedure, precluding her testimony.

Dated: New York, New York  
August 18, 2017

Respectfully submitted,

PAUL, WEISS, RIFKIND, WHARTON &  
GARRISON LLP

By: s/ Robert A. Atkins

Robert A. Atkins

Lorin L. Reisner

Gregory F. Laufer

1285 Avenue of the Americas

New York, New York 10019-6064

(212) 373-3000

ratkins@paulweiss.com

lreisner@paulweiss.com

glaufer@paulweiss.com

*Attorneys for Plaintiff*

*International Business Machines Corporation*